

**TEC Tribal Issues Topic Group Meeting  
January 29, 2002 – New Orleans, LA**

**Participants:** Richard Arnold (Las Vegas Indian Center), Wynona Boyer (Shoshone-Bannock Tribes), Judith Bradbury (PNL), Rob Burnside (CTUIR), Joseph Mark Chavarria (Santa Clara Pueblo), Martha Crosland (DOE/EM), Maxine Ewankow (8-Northern Indian Pueblos Council), Ed Gonzales (ELG), Ken Gray (CTUIR), Judith Holm (DOE/NTPA), Patrice Kent (NTEC), Dan King (Oneida Nation), Bob Lupton (DOE/OCRWM), Wilda Portner (SAIC), Mike Rowswell (Association of State Rail Safety Managers), Larry Stern (CVSA), Leon Tafoya (Santa Clara Pueblo), Neil Weber (Pueblo of San Ildefonso), Corina Williams (Oneida Nation)

Issues discussed during this meeting included the DOE National Transportation Program November 2001 Tribal Partnering Workshop, the DOE Indian Policy Implementation Plan, Transportation Protocols, the status of the proposed Consolidated Transportation Grant, and the Federal Railroad Administration (FRA) pilot project with the Shoshone-Bannock Tribes.

**Action Items:**

Responsible Party

Action to be Taken

J. Holm/W. Portner	Distribute final summary of November Workshop after receipt of comments from Attendees (March/April 2002)
J. Holm/W. Portner	Develop draft resource brochure
J. Holm/W. Portner	Provide group with Steve Gray's listserve information and report back on Indian Affairs POC information
DOE	Identify DOE points-of-contact to whom Indian communities can address questions
J. Holm/W. Portner	Provide group members with information about accessing "Indian Roots of American Democracy" and "American Indians and the Nevada Test Site"
M. Crosland/J. Holm	Report back to group on Los Alamos Site Waste Permit status
M. Crosland/J. Holm	Schedule meeting with Indian Affairs Office (including EM, NTPA, TEPP, and NCAI)

**Summary:**

The meeting began with introductions, followed by Mike Roswell (Association of State Rail Safety Managers) who reported on the FRA rail safety pilot program with the Shoshone-Bannock Tribes for Mike Calhoun (FRA). He pointed out that one of the main goals of the project is to develop a long-term relationship with the Shoshone-Bannock Tribes. The FRA has great respect for the Tribes, and participants in the pilot program are looking forward to good cooperation in the future. A crossing survey has been conducted within the Tribal boundaries and the State of Idaho will install rail-crossing devices near one of the Tribal schools. Changes have been made to the FRA Web site to make it easier to use. FRA responded to Tribal concerns about trestles by working with the Union Pacific Railroad to evaluate their condition. They were found to be safe. [Any questions regarding Kevin Blackwell's (FRA) comments at the plenary session should be directed to Mike Calhoun (FRA) for clarification.] The FRA has secured the cooperation of Ken Hunt, the Union Pacific Division Superintendent, to attend the next meeting with the Tribes.

Wynona Boyer, Shoshone-Bannock Tribes, provided additional input on the program. G. Perez (FRA) went over the Web site with her, but she is still experiencing problems. The FRA safety crossing staff member who conducted the crossing survey with the Tribes (after the initial Shoshone-Bannock meeting with the FRA) recommended the closing of two rail crossings on the reservation, but Tribal authorities do not want to close either of them. Wynona mentioned that the ratified agreement between the railroad and the Federal Government for the establishment of the rail lines is over 100 years old, and the Tribes are trying make sure Union Pacific recognizes the stipulations within the agreement. The Shoshone-Bannock have a new Tribal Department of Transportation that has been working with the Bureau of Indian Affairs and the Union Pacific Railroad on crossing areas. Road maintenance needs to be discussed before crossing equipment. The Shoshone-Bannock Tribes are hoping to have the FRA and Tribal Council meet again soon. This would be the second meeting and the rail survey results and recommendations would be discussed.

Next, Judith Holm (DOE-NTPA) reported on the November 2001 Tribal Partnering Workshop held in Albuquerque. Successful consultation will require integration of NTP activities with the DOE Indian Policy and Implementation Plan. Institutional activities will be conducted through field sites. Ideas include a more institutionalized process, using the U.S. Environmental Protection Agency's (EPA) regional and national Tribal Operating Committee as a model and working with Luke Jones (EPA/OSWER); building internal capacity as well as consultation; and developing a resource brochure or fact sheet.

Ed Gonzales (ELG) reported that the new Four-Corners Institute for Tribal/State Relations will hold its first meeting this summer. Members will be from Federal, State, and Tribal governments.

Martha Crosland (DOE/EM) then provided the status on the DOE Indian Policy Implementation Plan. The Plan is undergoing revision and EM will use the National Congress of American

Indians (NCAI) as a vehicle for obtaining Tribal input on this latest draft. She also reported that the Transportation Protocols document would be attached to a new DOE Order that is in the internal review cycle.

The Consolidated Grant had not yet been moved forward to senior DOE staff for review because of the ongoing budget and organizational discussions at the Department. The comment response matrix on the last draft of the Framework document is available from Judith Holm if anyone is interested in reviewing it. In the revised Framework, DOE has called out issues of importance to Tribes and has taken suggestions from the Tribal representatives that the Department work directly with Tribes on the proposed grant program. Technical assistance, consultation and needs assessments need to be discussed in addition to the grant approach. Tribal members in the topic group expressed concern over baseline capabilities and competing amongst each other for funding. Judith agreed there are still many things to be worked out and she emphasized the importance of Tribes and DOE working together. She said NTP would put together a brochure or fact sheet on transportation resources available to Tribes.

The usefulness of working with other groups to become more aware of what is going on in DOE/Tribal relations was pointed out as well, such as DOE's State and Tribal Government Working Group (STGWG), Western Governors' Association (WGA), etc. Patrice Kent pointed out the value of having people (DOE or other appropriate technical people) available to speak to communities on issues of concern – beyond the standard “information dissemination” and fact sheet development. She believes it is important to provide technical information in an understandable fashion; and having the people responsible for activities available to completely explain what they are doing will go a long way toward developing greater opportunities for cooperation or improvement of processes.

Larry Stern, the new representative from the Commercial Vehicle Safety Alliance (CVSA) said the group is a good source of information on motor carrier safety for the U.S., Canada, and Mexico. He stated CVSA is looking for more Tribal participation.

Several attendees pointed out the importance of the DOE Indian Desk position being held by a person with extensive experience in Indian Country, preferably a Tribal member.

Each member of the topic group then provided an update on their own transportation activities:

- J. Mark Chavarria (Santa Clara Pueblo) noted that the Pueblo had a mock incident 3 years ago and that the volunteer fire department responds to hazardous material spills. The Tribe monitors cleanup to its own standards. Some training is available through Los Alamos, Indian colleges, and through the county and State. He also asked that if WIPP waste is removed from a site does that allow the site to fill up the empty space with more waste under the WIPP permit? Judith and Martha said they would check into this issue.
- Martha Crosland (DOE/EM) said the Low-Level Waste booklet is available for comment.
- Ed Gonzales (ELG) mentioned a good source of information on Tribes, “Indian Roots of American Democracy.” NTPA will look into making copies available for topic group members.
- Neil Weber (Pueblo of San Ildefonso) said that his Tribe is still worried about the movement

of materials up the hill into Los Alamos and mentioned that the New Mexico State Highway and Transportation Department has a forum on emergency response.

- Bob Lupton (DOE/RW/Yucca Mountain) provided a thumbnail of the process that will lead to designation of Yucca Mountain as the site for a high-level radioactive waste repository, assuming the project moves forward. He pointed out that the Secretary of Energy had notified the Governor of Nevada of his (the Secretary's) intent to recommend the site to the President and, based on that notification, the earliest the Secretary could recommend the site would be February 10, 2002.
- Maxine Ewankow (8-Northern Indian Pueblos Council) said she is stepping down as Environmental Director in March. The 8-Northern Pueblos will appoint a replacement.
- Ken Gray (Confederate Tribes of the Umatilla Indian Reservation) introduced Rob Burnside as his replacement as Fire Chief when Ken retires this year. He also related the severe winter Cabbage Hill is experiencing and the fact that hazardous materials park there when I-84 is closed. The CTUIR experience with DOE has opened doors with other Federal agencies including FEMA and DOD. Rob Burnside will serve as Incident Commander in an upcoming CHERCAP/FEMA exercise in March.
- Daniel King (Oneida Nation) said he is now serving on the county anti-terrorism committee. Training for the volunteer fire department is being held at night to accommodate fire fighters' work schedules. His Tribe is concerned about low-level waste transportation. A survey this summer showed that explosives have been going through the reservation without Tribal knowledge.
- Corina Williams (Oneida Nation) said the Tribe has good working relationships with the Environmental Protection Agency and the Department of the Army. They are working with the railroad to improve communications. The Local Emergency Preparedness Committee just attended Weapons of Mass Destruction training.
- Patrice Kent (National Tribal Environmental Council, NTEC) told the group that NTEC works with and supports NCAI on transportation and other issues in the environmental management arena. NTEC has drafted a preliminary report of Federal Facilities impacts in Indian Country; the final draft addressing DOE impacts should be available this summer. NCAI was unable to participate in this meeting due in part to their participation in a Federal Emergency Management Agency (FEMA) project whose timing coincided with the TEC meeting.
- Wynona Boyer (Shoshone-Bannock Tribes) said they attended a presentation regarding Olympic security and how it would affect southeastern Idaho. The Tribes have established a HAZMAT team that includes 14-16 members of their fire department. Ambulance service may be available on the reservation this summer. The FRA is trying to establish installation of railroad signals and gates at Ft. Hall to keep the Tribes' youth off the tracks. The Shoshone-Bannock have been receiving the WIPP notifications and the shipments are rolling through. The Idaho Settlement Agreement needs to be looked at and the progress monitored in how the milestones are being met at the Idaho National Engineering and Environmental Laboratory (INEEL) and at DOE-Idaho. The Settlement Agreement will affect other planned shipments, such as the West Valley shipment, if those milestones are not met. It will affect Tribes on corridors and those States and other DOE facilities that are planning shipments to INEEL if the Governor decides to shut the door to those shipments.
- Richard Arnold (Las Vegas Indian Center) stated that Nevada Tribes are opposed to the

Yucca Mountain project. There is no word for “radiation” in Indian languages. One elder called it an “angry rock.” If that is the case, will Yucca Mountain become “angry” if waste is stored there, will the surface temperature rise, etc.? Tribes are monitoring sacred sites in Nevada. Richard mentioned a book titled “American Indians and the Nevada Test Site” as being of possible interest to the topic group. Contact for obtaining this publication is the DOE Nevada Operations Office (National Nuclear Security Administration). He also told the group solar wind generation is begin explored and there is resistance to conducting this activity on the Test Site; Bureau of Land Management land is being considered as an alternative. Other issues of concern for Tribes include the Hoover Dam Bypass proposal.

The meeting concluded after these reports.